

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Michael Rodriguez,
Plaintiff,
vs.
Well Path, et al.,
Defendants.

Case No. 2:19-cv-02074-ART-VCF

ORDER

I previously granted incarcerated pro se plaintiff Michael Rodriguez's motion for substitution per Rule 25 in part. ECF No. 85. I ordered defense counsel at Lewis Brisbois Bisgaard & Smith LLP (1) to obtain information about the representative of the estate or the appropriate successor and (2) to notify the same of this lawsuit. *Id.* Defense counsel filed a declaration stating that she located Dr. Duran's widow, but asked for a stay of my order until after the district judge decides the fully dispositive motion to dismiss. ECF No. 58. Ordinarily I would expect the defendant to file a motion so the parties could brief the issue. Given that plaintiff Rodriguez recently asked the Court for a full stay of this case (and the defendants filed a notice of non-opposition), however, I find that staying my previous order until after the district judge decides the motion to dismiss will not prejudice any of the parties in this situation.

ACCORDINGLY,

I ORDER that my previous order (ECF No. 85) is STAYED. Defense counsel has until thirty

1 days after the Court decides the motion to dismiss (ECF No. 58) to comply with my order (ECF No. 85)
2 if this action survives dismissal.

3 **NOTICE**

4 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and
5 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk
6 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal
7 may determine that an appeal has been waived due to the failure to file objections within the specified
8 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file
9 objections within the specified time and (2) failure to properly address and brief the objectionable issues
10 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the
11 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*
12 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written
13 notification with the court of any change of address. The notification must include proof of service upon
14 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.
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16 **Failure to comply with this rule may result in dismissal of the action.**

17 IT IS SO ORDERED.

18 DATED this 2nd day of March 2023.

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CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE